

STATE OF MICHIGAN
COURT OF APPEALS

STEPHEN M. ROSMAN,

Plaintiff-Appellant,

v

JEWISH GENEALOGICAL SOCIETY OF
MICHIGAN, MARK D. MANSON, FRED APEL,
and BARBARA WEINER,

Defendants-Appellees.

UNPUBLISHED

March 27, 2003

No. 239581

Oakland Circuit Court

LC No. 01-031263-CZ

Before: Griffin, P.J., and Neff and Gage, JJ.

PER CURIAM.

Plaintiff appeals as of right the order granting summary disposition to defendants under MCR 2.116(C)(8). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff is a former president and lifetime member of defendant, Jewish Genealogical Society. After he was expelled from the society, plaintiff brought this action to compel his reinstatement and to obtain damages for breach of fiduciary duty and intentional infliction of emotional distress. The trial court granted summary disposition to defendants under MCR 2.116(C)(8), finding that the alleged due process violations failed to state a claim.

A motion for summary disposition under MCR 2.116(C)(8) tests the legal sufficiency of the complaint. All well-pleaded factual allegations are accepted as true and construed in a light most favorable to the nonmovant. *Maiden v Rozwood*, 461 Mich 109, 118-119; 597 NW2d 817 (1999). The motion may be granted only where the claims are so clearly unenforceable as a matter of law that no factual development could possibly justify recovery. *Id.* A court considers only the pleadings in deciding the motion. MCR 2.116(G)(5).

On appeal, plaintiff argues that the trial court improperly considered matters outside the pleadings, and improperly granted summary disposition to the individual defendants¹ because they did not file a separate motion for summary disposition. We disagree.

¹ The individual defendants are the current president of the society and two directors.

The trial court properly found that plaintiff failed to state a claim. The trial court's opinion and order granting summary disposition was not based on factual matters, but accepted as true the factual allegations of the complaint and found no actionable due process violations. There is no provision of law that imposes upon private associations the same panoply of procedural due process rights imposed on public entities by the United States or Michigan constitutions. *Christensen v Michigan State Youth Soccer Ass'n, Inc*, 218 Mich App 37, 42; 553 NW2d 638 (1996). No Michigan law entitles a member of a private association to due process of the law beyond what is provided for by the rules and bylaws of the organization itself. *Id.*, 41. The court properly relied on *Christensen* to support its grant of summary disposition.

At oral argument on the motion for summary disposition, counsel for the individual defendants essentially joined in the society's motion, arguing that as agents of the society they were entitled to the same relief. There was no objection and plaintiff has offered no persuasive argument for treating the individual defendants differently from the society. The court rule does not require duplicative pleadings. MCR 2.116(I). Where the individual defendants were entitled to summary disposition on the same grounds as the society, the court properly included them in the dispositive order.

Affirmed.

/s/ Richard Allen Griffin
/s/ Janet T. Neff
/s/ Hilda R. Gage